

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

MARC GOODELL,
PHILIP POWERS,
CHAD WERTH,
ROSS BLAKLEY,
DOMINICK P. TUCKER,
JUSTIN ROSE, and
KYLE CRAWFORD,
on behalf of themselves and a class
of employees and/or former employees
similarly situated,

Plaintiffs,

Case No. 08-cv-512-C

v.

CHARTER COMMUNICATIONS, LLC,
and
CHARTER COMMUNICATIONS, INC.

Defendants.

PETITION FOR CLASS COUNSEL'S COSTS AND ATTORNEYS' FEES

NOW COME Plaintiffs, Marc Goodell, Philip Powers, Chad Werth, Ross Blakley, Dominick P. Tucker, Justin Rose, and Kyle Crawford, by and through their attorneys, Gingras, Cates & Luebke, S.C. and Axley Brynelson, LLP, and respectfully petition the Court for an award of costs and attorneys' fees as set forth below and on those grounds set forth in Plaintiffs' supporting Memorandum of Law and accompanying declarations of Attorneys Robert C. Gingras, Michael J. Modl, Aaron N. Halstead, William E. Parsons, Michael R. Fox and Jay A. Urban.

1. Class Counsel has negotiated the settlement of this FLSA collective action and Rule 23 class action on behalf of a class that includes approximately 3,650 individuals.

2. The settlement creates a common settlement fund of \$18 million. Plaintiffs petition for recovery of their costs and attorneys' fees in the amount of \$5,400,000.00, or 30% of the common settlement fund.

3. Under the terms of the fee agreements, Class Counsel are entitled to attorneys' fees in the amount of either 30% or 33.33% *plus actual costs*. Class Counsel has incurred approximately \$122,000 in costs to date, and will incur additional estimated costs of \$3,000. Instead of requesting a separate award of actual costs, however, Class Counsel ask that their costs be absorbed into the combined 30% fees and costs request. This approach decreases Class Counsel's fee request to approximately 29.3% of the common fund.

4. As set forth in greater detail in Plaintiffs' supporting Memorandum of Law and accompanying declarations, the requested award is consistent with the market rate for similar cases. Moreover, the requested award is justified in light of the significant risks that class counsel agreed to bear in prosecuting this action, as well as the exceptional result obtained on behalf of the class members.

WHEREFORE, Plaintiff respectfully requests that the Court award costs and attorneys' fees as set forth above.

Respectfully submitted this 18th day of May, 2010.

GINGRAS, CATES & LUEBKE, S.C.

/s/

Robert J. Gingras
Michael J. Luebke
8150 Excelsior Drive
Attorneys for Plaintiff
8150 Excelsior Drive
Madison, Wisconsin 53701-1808
(608) 833-2632
gingras@gcllawyers.com
luebke@gcllawyers.com

AXLEY BRYNELSON, LLP

/s/ Michael J. Modl

Michael J. Modl
John C. Mitby
Steven S. Streck
Timothy D. Edwards
Attorneys for Plaintiff
2 E. Mifflin St., Ste. 200
Madison, WI 53703
608-257-5661
mmodl@axley.com
jmitby@axley.com
sstreck@axley.com
tedwards@axley.com